

Freedom to Speak *Post* 12/6/66

The Supreme Court went right to the heart of the matter in deciding the Julian Bond case on Monday. It held simply that "the disqualification of Bond from membership in the Georgia House because of his statements violated Bond's right of free expression under the First Amendment." There was no need, therefore, to deal with other aspects of a legislature's power to disqualify someone validly elected to membership.

Julian Bond, a Negro overwhelming and indubitably elected to the Georgia Legislature from a predominantly Negro district of Atlanta, made a statement about the war in Vietnam which was offensive to most Georgia legislators and equally, no doubt, to most Americans. He expressed admiration for young men who refused to fight in Vietnam, although he did not counsel anyone to do so. The Georgia Legislature refused to seat him when it convened last January on the ground

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that his statement was repugnant to the oath to support the Constitution required of members of the State House of Representatives. He was re-elected and again refused a seat. Now he has been elected a third time and will seek admission to the Georgia House of Representatives when it convenes next month.

However mistaken or distasteful Bond's statement may have seemed to a majority of his colleagues and countrymen, he had a right to make it. Nothing that he said was punishable under law. He spoke as a pacifist, not as a Communist or a sympathizer with any enemy of the United States; and it would be absurd to characterize his criticism of the Government's policy as treasonous or disloyal. The central commitment of the First Amendment, as the Court has said, is that "debate on public issues should be uninhibited, robust and wide-open." The principle must apply with even greater force to legislators than to private citizens.

An obvious problem arises when a court tells a legislature to do something the legislature does not want to do. It is immensely to the credit of the Speaker-elect of the Georgia House of Representatives that he responded to the Court decision by saying: "I see no alternative other than seating him . . . Georgians are law-abiding, and it is my view that he will be seated." Julian Bond's opinions can be tested, as they should be, in debate. The outcome is a fortunate one from every point of view.